

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/697,497
Filing Date	October 27, 2000
First Named Inventor	Ronald COLEMAN, et al.
Art Unit	3624
Examiner Name	S. Wasylchak
Attorney Docket Number	CITI0192US
Number of Pages in This Submission	

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement of George T. Marcou (2pp.) Exhibit A (2pp.) Exhibit B (7pp.)
<b>Remarks</b>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	KILPATRICK STOCKTON LLP		
Signature			
Printed Name	George T. Marcou		
Date	3/10/06	Reg. No.	33,014

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CITI0192-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Application of

**Ronald COLEMAN, et al.**

Group Art Unit: **3624**

U.S. Serial No.: **09/697,497**

Examiner: **S. Wasylchak**

Filed: **October 27, 2000**

For: **METHOD AND SYSTEM FOR USING A BAYESIAN BELIEF NETWORK  
TO ENSURE DATA INTEGRITY**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**RENEWED PETITION AND REQUEST FOR RECONSIDERATION  
OF PETITION UNDER 37 C.F.R. § 1.181**

Sir:

Responsive to the Decision on Petition to Withdraw Holding of Abandonment mailed  
January 18, 2006, please reconsider the Decision in view of the following remarks.

### REMARKS

A Decision on Petition to Withdraw the Holding of Abandonment (“Decision I”), mailed June 13, 2005, dismissed a Petition to Reset a Period for Reply, filed November 24, 2004. In response, the undersigned representative submitted a Renewed Petition Under 37 C.F.R. § 1.181 for reconsideration of the Decision on Petition to Withdraw the Holding of Abandonment. A Decision on Petition to Withdraw the Holding of Abandonment (“Decision II”), mailed January 18, 2006, denies the Renewed Petition. Accordingly, the undersigned representative respectfully submits this Renewed Petition and Request for Reconsideration of Petition under 37 C.F.R. § 1.181.

The U.S. Patent and Trademark Office (the “Office”) recites in Decision I that a non-Final Office action was mailed on July 14, 2004, but the Office did not receive a reply to the non-Final Office Action. As a result, the Office held the application abandoned. The undersigned representative never received the non-Final Office Action (the “Office Action”) via U.S. Mail.

In Decision I, the Office indicated that the practitioner has failed to comply with the requirements by only setting forth that the non-Final Office action was not received. Because of the insufficient evidence of non-receipt of the Office action, the Office dismissed the petition.

In Decision II, the Office indicated that Petitioner’s evidence was not persuasive with respect to the electronic docket record. The Office states, “The docket record evidences receipt, rather than non-receipt, of the July 14, 2004 Office action as it lists a response due approximately three-months from the date of mailing of the Office action.” As explained herein, the Office Action was listed once the undersigned representative was aware of the due date and not due to receipt of the Office Action via U.S. Mail. Further, a handwritten docket record evidences that the Office Action was not received by U.S. Mail.

The Office presumes that Office communications are properly addressed and delivered to the United States Postal Services and, thereby, in fact delivered to the addressee. An allegation that the Office communication was not received must be overcome by a showing that it was not received. The showing required to establish non-receipt of an Office

communication must include all of the following requirements:

- (1) A statement from the practitioner stating the Office communication was not received by the practitioner;
- (2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and
- (3) A copy the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. The docket records must include a copy of the list of all responses in the practitioner's office to which the action was properly sent with the due date at and around October 14, 2004, which is three months from the mailing date of the non-Final Office Action.

Accordingly, in order to establish non-receipt of the Office Action, the undersigned representative submits herewith a Statement of George T. Marcou, an attorney of record for U.S. Patent Application Serial No. 09/697,497, setting forth the following:

- (1) The non-Final Office Action of July 14, 2004 was not received via U.S. Mail;
- (2) A search of the file jacket and docket records indicates that the Office Action was not received via U.S. Mail; and
- (3) A copy of both the electronic docket record (attached as Exhibit A) and handwritten docket record (attached as Exhibit B) where the Office Action would have been entered had it been received and docketed evidences that the Office Action was not received.

The Statement of George T. Marcou evidences that the Office communication was not received by the practitioner and attests to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. Additionally, a copy of both an electronic docket record and handwritten docket record are attached.

The electronic docket record reflects the known due dates on the date the electronic docket record was printed. Because the Office Action was not received, the electronic docket record did not reflect the due date of the outstanding Office Action. However, once the undersigned representative became aware of the Office Action in PAIR, the Office Action was entered on the docket record as due on October 14, 2004. Thus, the electronic docket

was entered on the docket record as due on October 14, 2004. Thus, the electronic docket record shows the entry of the Office Action where it would have been entered had it been timely received and docketed. Therefore, the Office Action only appears on the docket record because it was discovered electronically via PAIR and entered on the docket before the date of this Petition.

The handwritten docket record further illustrates that the Office Action was not received via U.S. Mail. When an Office communication is received, it is entered into the handwritten docket record on the date it is due. In this instance, the Office Action would have been entered on the page for October 14, 2004. As can be seen from pages indicative of October 10 to 16, the Office Action was not entered because it was not received by U.S. Mail.

Therefore, the undersigned representative respectfully requests that the Office reconsider the Decision on Petition to Withdraw the Holding of Abandonment and revive the application.

The undersigned representative does not believe that any additional fees are due, but if any additional fees are required in connection with the filing of this petition, the Commissioner is hereby authorized to charge the same to Deposit Account No. 501458.

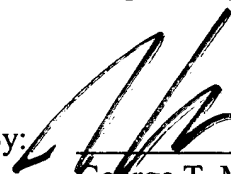
Respectfully submitted,

Date:

3/10/06

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By:



George T. Marcou  
Registration No. 33,014

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Application of

**Ronald COLEMAN, et al.**

Group Art Unit: **3624**

U.S. Serial No.: **09/697,497**

Examiner: **S. Wasylchak**

Filed: **October 27, 2000**

For: **METHOD AND SYSTEM FOR USING A BAYESIAN BELIEF NETWORK  
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Commissioner for Patents  
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Alexandria, VA 22314

**STATEMENT OF GEORGE T. MARCOU**

I, George T. Marcou, declare:

1. I am a Patent Attorney registered to practice with the United States Patent and Trademark Office.
2. I am an attorney of record for U.S. Patent Application Serial No. 09/697,497.
3. I did not receive a non-Final Office Action mailed July 14, 2004 for U.S. Patent Application Serial No. 09/697,497.
4. A search of the file jacket and docket records indicates that I did not receive the non-Final Office Action.
5. A copy of an electronic docket record, attached hereto as Exhibit A, shows where the non-Final Office Action would have been entered had it been received and docketed. Exhibit A is a copy of the electronic docket record of all

responses in my office to which the action was properly sent with the due date at and around October 14, 2004, which is three months from the mailing date of the non-Final Office Action. The Office Action was entered into this docket record upon awareness of the Office Action in PAIR, but the Office Action was never received.

6. A copy of a handwritten docket record, attached hereto as Exhibit B, shows where the non-Final Office Action would have been entered had it been received and docketed. Exhibit B is a copy of the entries of all responses in my office to which the action was properly sent with the due date at and around October 14, 2004. The non-Final Office Action was not received and, therefore, does not appear in the docket record.

7. I declare that all statements made herein are true or, if made on information or belief, are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this document and of the patent application to which it relates.

Date

3/10/06



George T. Marcou  
Registration No. 33,014

## EXHIBIT A

Due Date	Action Due	Docket No.	Serial No.	Filing Date
05-Oct-04	2 MO EXT: RESP TO OA			29-May-98
05-Oct-04	2 MO EXT: RESP TO OA			18-Dec-00
05-Oct-04	3 MO EXT: APPEAL BRIEF			21-Sep-00
05-Oct-04	2 MO EXT: RESP TO OA			05-Mar-02
05-Oct-04	2 MO EXT: RESP TO OA			19-Apr-04
06-Oct-04	RESP TO OA			31-Oct-00
06-Oct-04	3 MO/FINAL EXT: RESP TO OA			29-Nov-01
07-Oct-04	3 MO/FINAL EXT: RESP TO OA			03-Dec-99
07-Oct-04	3 MO/FINAL EXT: RESP TO OA			14-Sep-00
07-Oct-04	RESP TO OA			20-Jun-01
07-Oct-04	3 MO/FINAL EXT: NOA (MJD)			27-Sep-00
07-Oct-04	3 MO/FINAL EXT: RESP TO FINAL			27-Sep-00
07-Oct-04	3 MO/FINAL EXT: NOA (MJD)			18-Apr-05
07-Oct-04	3 MO/FINAL EXT: RESP TO FINAL			18-Apr-05
09-Oct-04	1 MO EXT: RESP TO OA			01-Feb-01
09-Oct-04	1 MO EXT: RESP TO OA			28-Dec-01
09-Oct-04	3 MO/FINAL EXT: RESP TO OA			27-Jun-02
09-Oct-04	3 MO/FINAL EXT: RESP TO OA			25-Sep-03
09-Oct-04	3 MO/FINAL EXT: RESP TO OA			04-Jan-05
09-Oct-04	3 MO/FINAL EXT: RESP & DWGS			27-Oct-00
09-Oct-04	3 MO/FINAL EXT: RESP & DWGS			09-Aug-02
09-Oct-04	3 MO/FINAL EXT: RESP & DWGS			17-Apr-03
09-Oct-04	RESP TO OA			02-May-01
09-Oct-04	RESP TO NOT MP - 2 EOT			31-Mar-04
10-Oct-04	2 MO EXT: APPEAL BRIEF			03-Dec-99
10-Oct-04	2 MO EXT: APPEAL BRIEF			30-Nov-00
10-Oct-04	RESP TO NOT MP			23-Jan-04
10-Oct-04	1 MO EXT: 1 MO OA			08-Apr-03
10-Oct-04	1 MO EXT: 1 MO OA			16-May-05
11-Oct-04	1 MO EXT: RESP TO OA			16-Jan-01
11-Oct-04	RESP TO NOT MP - 3 EOT			13-Feb-04
12-Oct-04	4 MO/FINAL EXT: APPEAL BRIEF			14-Jan-00
12-Oct-04	RESP TO OA			01-Dec-00
13-Oct-04	RESP TO OA			27-Oct-00
13-Oct-04	IF DUE			27-Oct-00
13-Oct-04	IF DUE			09-Aug-02
13-Oct-04	IF DUE			14-Jan-04
13-Oct-04	RESP TO FINAL/NOA			10-Jan-00
13-Oct-04	IF DUE			03-Nov-04
14-Oct-04	1 MO EXT: APPEAL BRIEF			28-Mar-00
14-Oct-04	RESP TO FINAL/NOA			08-Aug-00
14-Oct-04	RESP TO FINAL/NOA			15-Nov-04
14-Oct-04	RESP TO OA			30-Nov-00
14-Oct-04	1 MO OA DUE - NO EXT!			25-Jun-01
14-Oct-04	1 MO OA DUE - NO EXT!			16-Jun-03
15-Oct-04	1 MO EXT: FINAL RESP/NOA			26-May-00
15-Oct-04	1 MO EXT: RESP TO FINAL			26-May-00
15-Oct-04	1 MO EXT: NOA			31-Aug-00
15-Oct-04	1 MO EXT: RESP TO FINAL			31-Aug-00
15-Oct-04	3 MO/FINAL EXT: RESP (JMH)			12-Oct-00



## EXHIBIT A

Due Date	Action Due	Docket No.	Serial No.	Filing Date
15-Oct-04	3 MO/FINAL EXT: RESP TO OA			23-Dec-02
15-Oct-04	RESP TO OA			02-Mar-00
15-Oct-04	RESP TO OA			10-Oct-00
15-Oct-04	RESP TO OA			21-Oct-03
16-Oct-04	4 MO/FINAL EXT: APPEAL BRIEF			07-Jul-99
16-Oct-04	RESP TO NOT NON-COMP			29-Apr-99
16-Oct-04	3 MO/FINAL EXT: RESP TO OA			30-Sep-02
17-Oct-04	1 MO EXT: RESP TO OA			12-Jul-96
17-Oct-04	1 MO EXT: RESP TO OA			24-Dec-03
17-Oct-04	1 MO EXT: RESP TO OA			24-Oct-03
17-Oct-04	1 MO EXT: RESP TO OA			29-Oct-99
17-Oct-04	1 MO EXT: RESP TO OA			24-Oct-03
17-Oct-04	1 MO EXT: RESP TO OA			02-Mar-98
17-Oct-04	1 MO EXT: RESP TO OA			02-Mar-98
17-Oct-04	1 MO EXT: RESP TO OA			02-Mar-98
17-Oct-04	1 MO EXT: RESP TO OA			02-Jul-99
18-Oct-04	3 MO EXT: 1 MO OA			05-Dec-01
19-Oct-04	RESP TO FINAL/NOA			17-Jun-98
19-Oct-04	3 MO/FINAL EXT: RESP TO OA			22-Sep-00
20-Oct-04	RESP TO OA			21-Jun-00
20-Oct-04	3 MO/FINAL EXT: RESP TO OA			31-Jan-01
20-Oct-04	3 MO/FINAL EXT: RESP TO OA			05-Sep-02
20-Oct-04	1 MO OA DUE - NO EXT!			08-Apr-05
20-Oct-04	1 MO OA DUE - NO EXT!			08-Apr-05
20-Oct-04	1 MO OA DUE - NO EXT!			23-Aug-99
20-Oct-04	1 MO OA DUE - NO EXT!			08-Jan-02
20-Oct-04	1 MO OA DUE - NO EXT!			16-Sep-02
20-Oct-04	1 MO OA DUE - NO EXT!			20-Mar-03
21-Oct-04	2 MO EXT: RESP TO OA			19-Apr-00
21-Oct-04	RESP TO NOT MP - 1 EOT			14-May-04
21-Oct-04	RESP TO NOT MP - 2 EOT			09-Apr-04
22-Oct-04	2 MO EXT: RESUB APPEAL BRIEF			23-Jul-99
22-Oct-04	1 MO EXT: RESP TO OA			06-Oct-00
23-Oct-04	1 MO EXT: 1 MO OA			27-Sep-00
23-Oct-04	RESP & DRAWINGS			24-Oct-03
24-Oct-04	1 MO EXT: RESUB APPL BRIEF			11-Aug-99
25-Oct-04	4 MO EXT: 1 MO OA			25-Jun-01
25-Oct-04	4 MO EXT: 1 MO OA			16-Jun-03

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Docket for October 11, 2004

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**EXHIBIT B**

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October 16, 2004

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